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ANNE MILGRAM
ATTORNEY GENERAL OF NEW JERSEY
Division of Law
124 Halsey Street
P.O. Box 45029
Newark, New Jersey 07101
Attorney for the State Board of Dentistry

By: Joseph Donofrio
Deputy Attorney General
(973) 648-2436

STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF DENTISTRY

IN THE MATTER OF

JEFFREY E. HOCHSTEIN, DDS
License No. 22 DI 1154100

LICENSED TO PRACTICE DENTISTRY
IN THE STATE OF NEW JERSEY

Administrative Action

CONSENT ORDER

This matter was opened to the New Jersey State Board Dentistry ("Board") upon receipt of a complaint alleging that Jeffrey E. Hochstein, DDS ("respondent"), was self-administering nitrous oxide and was engaged in an inappropriate relationship with a dental patient. On four occasions between November and December 2005, when the practice was closed to patients, respondent was observed in the operatory wearing the nitrous oxide mask and reclined in the patient chair. On one occasion, respondent's patient was present in the operatory while respondent was wearing the mask. During that period, the patient was in a position that made her susceptible to any exposed gases.

On May 2, 2007, respondent appeared with counsel, Pamela Mandel, Esq. at an investigative inquiry into the matter held by the Board. During the inquiry, respondent testified that

on the dates in question, he had self-administered oxygen only, and not nitrous oxide, in an attempt to treat a medical condition. He testified that he had read literature suggesting that hyperbaric oxygen therapy may alleviate symptoms related to his medical condition. As a result, he began self-administering oxygen, via a mask. Respondent acknowledged that inhaling oxygen is not hyperbaric oxygen treatment.

During the inquiry, respondent acknowledged he had engaged in a unprofessional relationship with a patient. Respondent acknowledged it was inappropriate to have engaged in such a relationship. Further, respondent discussed his involvement with the Professional Assistance Program ("PAP"). He participated voluntarily in order to demonstrate he does not have an addiction. The PAP reported that its assessment was that respondent did not appear to be a substance abuser.

Having reviewed the entire record, including the testimony of respondent and the representative of the PAP at the investigative inquiry, it appears to the Board that respondent engaged in professional misconduct by self-medicating for a medical condition outside the scope of practice of dentistry and for engaging in an inappropriate relationship with a patient. These facts establish a basis for disciplinary action, pursuant to N.J.S.A. 45:1-21(e) for engaging in professional misconduct. It appearing that respondent desires to resolve this matter without admissions and without recourse to formal proceedings and for good cause shown:

IT IS ON THIS 5th DAY OF MARCH, 2008

HEREBY ORDERED AND AGREED THAT:

1. Respondent is hereby reprimanded for engaging in professional misconduct.

2. Respondent's license to practice dentistry is hereby suspended for six (6) months to be served as a stayed suspension. Such stayed suspension shall be activated should respondent engage in any violations of the statutes or regulations governing the practice of dentistry during the suspension period or if he engages in any violation of this order.

3. Respondent shall successfully complete the ProBE course within six (6) months of the entry of the within Consent Order. Further, this course, is in addition to the regularly required continuing education hours.

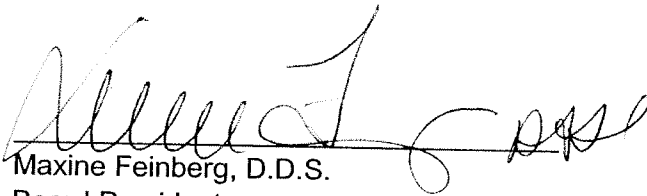
4. Respondent is hereby assessed a civil penalty, pursuant to N.J.S.A. 45:1-22, in the amount of ten thousand dollars (\$10,000) for engaging in professional misconduct. Payment in the total amount of ten thousand dollars (\$10,000) shall be made no later than sixty (60) days from the entry of this Consent Order. Payment of the civil penalty shall be submitted by certified check or money order made payable to the State of New Jersey and shall be sent to the Board of Dentistry, P.O. Box 45005, 124 Halsey Street, Sixth Floor, Newark, NJ 07101. Subsequent violations will subject respondent to enhanced penalties pursuant to N.J.S.A. 45:1-25.

5. Respondent is assessed the costs of the investigation to the State in this matter in the amount of four thousand five hundred eighty six dollars and seventy five cents (\$4,586.75). Payment for the costs shall be submitted by certified check or money order made payable to the State of New Jersey and submitted to the Board no later than sixty (60) days from the entry of this Consent Order. Payment shall be sent to the address described in paragraph # 4.

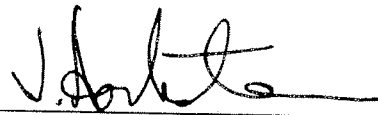
6. Failure to remit any payment as required by this Order will result in the filing of a certificate of debt.

7. Failure to comply with any of the terms of this Consent Order may result in further disciplinary action.

NEW JERSEY STATE BOARD OF DENTISTRY

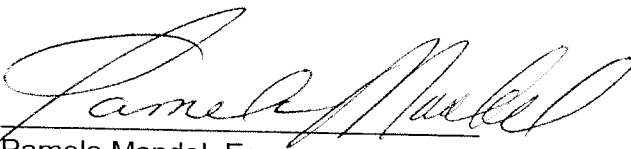
By: 
Maxine Feinberg, D.D.S.
Board President

I have read and understand the within Consent Order and agree to be bound by its terms. Consent is hereby given to the Board to enter this Order.


Jeffrey E. Hochstein, DDS

2/25/08
Date

I consent to the entry of this order as to form.


Pamela Mandel, Esq.

3/5/08
Date